

## Message Text

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FM AMEMBASSY WELLINGTON  
TO SECSTATE WASHDC PRIORITY 4646  
INFO AMEMBASSY CANBERRA  
CINCPAC HONOLULU  
AMEMBASSY MOSCOW  
USLO PEKING  
AMEMBASSY PORT MORESBY  
AMEMBASSY SEOUL  
AMEMBASSY SINGAPORE  
AMEMBASSY SUVA  
AMEMBASSY TAIPEI  
AMEMBASSY TOKYO  
AMCONSUL AUCKLAND POUCH

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CINCPAC ALSO FOR POLAD, TOKYO FOR RFO, DEPT PASS NOAA FOR  
NMFS

E.O. 11652: XGDS-1  
TAGS: EFIS, NZ, UR, SN  
SUBJECT: USSR-NEW ZEALAND FISHING NEGOTIATIONS ADJOURN FOR  
HOLIDAYS

REF: (A) WELLINGTON 5705 (NOTAL)  
(B) WELLINGTON 4934 (NOTAL)  
(C) WELLINGTON 5333 (NOTAL)  
(D) STATE 304164 (NOTAL)  
(E) STATE 299584 (NOTAL)  
(F) SINGAPORE 5311 (NOTAL)

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(G) WELLINGTON 4841 (NOTAL)  
(H) WELLINGTON 4558 (NOTAL)

1. SUMMARY. SNAGS ON THE ISSUES OF ISLANDS AND ENCLAVES  
LED TO THE GROUNDING OF SOVIET AND NEW ZEALAND EFFORTS TO  
NEGOTIATE AN UMBRELLA FISHING AGREEMENT BEFORE THE ONSET  
OF KIWI CHRISTMAS, THE ALMOST TOTAL SHUTDOWN OF WELLINGTON

FOR ITS MONTH-LONG SUMMER HOLIDAY. TALKS WILL RESUME, PROBABLY IN LATE JANUARY. AMONG THE ISSUES RAISED IN THE NEGOTIATIONS ARE A NUMBER WHICH GIVE INDICATIONS OF SOVIET PLANS TO IMPROVE THE EFFICIENCY AND SCOPE OF THEIR FISHING OPERATIONS IN A VAST REGION EXTENDING FROM THE SOUTH INDIAN OCEAN TO NEW ZEALAND. END SUMMARY.

2. KIWI CHRISTMAS INTERVENES.

A. WHEN USSR AND NEW ZEALAND NEGOTIATORS SAT DOWN BELATEDLY IN WELLINGTON ON DECEMBER 15 TO HAMMER OUT AN UMBRELLA FISHING AGREEMENT (SEE REF. B), NZ OPTIMISM THAT THE PREVIOUS SUCCESSFUL ROUND OF FISHERIES NEGOTIATIONS WITH THE SOUTH KOREANS (REPORTED REF. A) COULD BE TRANSLATED INTO USEFUL PRECEDENTS IN TALKS WITH THE SOVIETS WAS QUICKLY DASHED. AFTER FOUR DAYS OF INTENSIVE DISCUSSIONS, THE NEGOTIATIONS SNAGGED MAINLY ON TWO ISSUES -- RECOGNITION OF NEW ZEALAND'S RESPONSIBILITIES FOR THE EXTERNAL AFFAIRS OF THE COOK ISLANDS, NIUE, AND TOKELAU, AND CONSENT TO NEW ZEALAND'S MANAGEMENT OF TWO HIGH SEAS ENCLAVES WITHIN THE NEW ZEALAND EEZ "AS IF" THEY WERE PART OF THE EEZ. ON DECEMBER 20, THE TALKS FINALLY GROUNDED WHEN THE SOVIET NEGOTIATORS WERE UNABLE TO GET NEW INSTRUCTIONS FROM MOSCOW IN TIME TO WRAP UP AN AGREEMENT BEFORE WELLINGTON'S ANNUAL SHUT DOWN FOR ITS "PARIS-IN-AUGUST" CHRISTMAS THROUGH JANUARY SUMMER  
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HOLIDAYS. SINCE NZ CABINET MINISTERS AND BUREAUCRATS ALIKE WILL BE UNAVAILABLE FOR AT LEAST A MONTH, THE SOVIETS HAVE BEEN WARNED THAT THE TALKS CANNOT BE RESUMED UNTIL AT LEAST LATE JANUARY. THIS, IN TURN, THEY HAVE BEEN TOLD, COULD MEAN THAT THE SOVIET UNION WOULD NOT HAVE ANY VESSELS LICENSED TO FISH IN THE NZ EEZ WHEN THE ZONE GOES INTO FULL EFFECT NEXT APRIL 1.

B. ACCORDING TO IAN STEWART, THE CHIEF NEW ZEALAND NEGOTIATOR, THE SOVIETS OBJECTED TO VIRTUALLY EVERY ARTICLE OF THE NZ DRAFT AND PRESENTED THEIR OWN AS A BASIS FOR NEGOTIATION. AFTER THE NEW ZEALAND DELEGATION "SAT IT OUT" UNTIL THE SECOND AFTERNOON OF THE TALKS, INSISTING ADAMANTLY THAT THE NEGOTIATIONS BE BASED ON THEIR TEXT, THE IMPASSE WAS BROKEN BY AN AGREEMENT TO NEGOTIATE ON THE BASIS OF THE NZ DRAFT WITH THE SOVIETS BEING ALLOWED TO BRING FORWARD INDIVIDUAL ARTICLES AS ALTERNATIVES OR ADDITIONS.

3. STICKING POINTS.

A. "THE COLONIALISM ISSUE"

STEWART LABELED THE SOVIETS' RELUCTANCE TO CONCEDE NEW ZEALAND'S RIGHT TO NEGOTIATE FOR THE COOK ISLANDS, NIUE, AND TOKELAU, THE "COLONIALISM ISSUE." THE SOVIET NEGOTIATORS SIMPLY SAID IT WAS A RELATIONSHIP WHICH THEY COULD NOT ACCEPT "IN PRINCIPLE" AND, FURTHERMORE, THAT THEY DID NOT FEEL THEY SHOULD BE ASKED TO ACCEPT OBLIGATIONS TO THIRD COUNTRIES IN THESE NEGOTIATIONS. A NEW ZEALAND OFFER TO AMEND THE DRAFT TO MAKE EXPLICIT

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USLO PEKING

AMEMBASSY PORT MORESBY

AMEMBASSY SEOUL

AMEMBASSY SINGAPORE

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B. ENCLAVES

THE SECOND PRINCIPAL OBSTACLE TO AGREEMENT WAS A DRAFT PROVISION CALLING FOR RECOGNITION OF NEW ZEALAND'S RIGHT TO TREAT TWO HIGH SEAS ENCLAVES WHICH OCCUR WITHIN THE NEW ZEALAND EEZ AS IF THEY WERE PART OF THE EEZ (SEE REF. B, PARA. 5(J)). THE SOVIETS ARGUED THAT THIS AMOUNTED TO AN EXTENSION OF THE ZONE NOT IN ACCORDANCE WITH THE LAW OF THE SEAS. THE NZ SIDE RESPONDED THAT IT

WAS NOT SEEKING TO CHANGE THE STATUS OF THE HIGH SEAS, BUT RATHER TO ESTABLISH WORKABLE CONTROLS SINCE OTHERWISE IT WOULD BE IMPOSSIBLE TO DETERMINE WHERE FISH WERE CAUGHT. ASKED BY THE SOVIETS  
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WHETHER THE TOTAL ALLOWABLE CATCH WOULD INCLUDE FISH TAKEN FROM THE ENCLAVES, THE NEW ZEALANDERS RESPONDED AFFIRMATIVELY. THIS THE SOVIETS SAID WAS UNACCEPTABLE BECAUSE AN UNLICENSED FLEET COULD THEN FISH THE ENCLAVES FREELY AND THEY, WITH A LICENSED FLEET, COULD NOT. HOWEVER, GIVEN THE UNPALATABLE CHOICE OF FISHING EXCLUSIVELY IN THE ENCLAVES OR IN THE NZ EEZ, THE SOVIETS FINALLY PROPOSED ORAL ASSURANCES. WHEN THE SOVIETS REFUSED TO PUT THE ASSURANCES IN WRITING, THE ISSUE STALEMATED.

#### C. QUOTAS

AMONG THE OTHER NZ DRAFT ARTICLES TO WHICH THE SOVIET NEGOTIATORS TOOK EXCEPTION WERE THOSE CALLING FOR RECOGNITION OF THE NZ'S RIGHT TO UNILATERALLY DETERMINE ANNUAL CATCH QUOTAS AND TO MAKE ADJUSTMENTS IN THE QUOTAS TO CONSERVE STOCKS. THE SOVIETS ARGUED THAT IT WAS NORMAL INTERNATIONAL PRACTICE TO DETERMINE THE ALLOWABLE CATCH THROUGH BILATERAL NEGOTIATION RATHER THAN BY UNILATERAL DETERMINATION OF THE COASTAL STATE, AS THE GNZ WAS PROPOSING. AFTER THE NZ TEAM PRONOUNCED REPEATEDLY THAT THERE WOULD BE NO AGREEMENT UNLESS THE SOVIETS RECOGNIZED NEW ZEALAND'S UNILATERAL RIGHT TO SET QUOTAS, THE USSR NEGOTIATORS FOLDED ON THIS ISSUE. THE SOVIETS, HOWEVER, WON A POINT ON THE QUESTION OF ADJUSTMENT OF QUOTAS. THE NEW ZEALANDERS AGREED TO AN EXCHANGE OF NOTES GUARANTEEING THAT THERE WOULD BE NO "ARBITRARY OR CAPRICIOUS" ADJUSTMENT OF ANNOUNCED ANNUAL QUOTAS AND THAT ADJUSTMENTS WOULD BE MADE ONLY TO CONSERVE STOCKS.

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#### D. ENFORCEMENT PROVISIONS

THERE WERE ALSO NEW ZEALAND CONCESSIONS ON A NUMBER OF OTHER POINTS. THE SOVIETS, FOR EXAMPLE,

OBJECTED TO A DRAFT ARTICLE DEALING WITH THE  
"ARREST OF CREW MEMBERS." AFTER MAINTAINING THAT  
THE WORDING WAS BASED ON NZ STATUTORY LAW, THE NZ  
NEGOTIATORS YIELDED A CHANGE IN VERBIAGE FROM  
"ARREST" TO "ENFORCEMENT ACTION," BUT RETAINED THE  
RIGHT TO DETAIN CREW MEMBERS AS WELL AS THEIR  
VESSELS, ASSURING THE SOVIETS THAT FOR CREW MEMBERS  
THIS MEANT ONLY THAT OFFENDERS WOULD BE BROUGHT  
PROMPTLY BEFORE A COURT. IN A PROVISION CALLING  
FOR "PROMPT AND ADEQUATE COMPENSATION" FOR DAMAGE  
CAUSED TO NEW ZEALAND NATIONALS, THE NZ TEAM ALSO  
CONCEDED A CHANGE TO "PROMPT EXAMINATION OF  
CLAIMS" BY THE USSR.

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4. NEW HORIZONS FOR SOVIET FISHING INDUSTRY - FACILITIES  
AND CREW EXCHANGE.

A. PROBABLY THE MOST SIGNIFICANT INDICATOR OF OVERALL  
SOVIET THINKING ON THE FUTURE OF THEIR FISHERY

INDUSTRY (SEE REF. E, PARA. 2) WAS THEIR ATTEMPT TO OBTAIN THE RIGHT TO USE NEW ZEALAND PORT FACILITIES FOR THE REFUELING, REPROVISIONING, AND REPAIR OF BOTH LICENSED AND UNLICENSED FISHING VESSELS. (LICENSED VESSELS WOULD BE THOSE OPERATING IN THE NZ EEZ AND UNLICENSED WOULD BE THOSE OPERATING ELSEWHERE IN THE SOUTH INDIAN OCEAN AND NEAR ANTARCTICA). THE NEW ZEALAND DELEGATION RESPONDED THAT IT ONLY HAD AUTHORITY

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TO NEGOTIATE CONCERNING LICENSED VESSELS. IT, HOWEVER, WAS MADE CLEAR THAT THEY WERE NOT SAYING "NO" TO FACILITIES FOR UNLICENSED VESSELS, RATHER THAT THIS QUESTION WOULD HAVE TO BE DEALT WITH SEPARATELY SOMETIME IN THE FUTURE. THE DISCUSSION THEN RETURNED TO FACILITIES FOR LICENSED VESSELS AND THE SOVIETS WERE ASKED ABOUT WHAT THEY HAD IN MIND. THEY REPLIED THAT THE USSR ENVISAGED CONTINUING TO USE THE SAME VESSELS NOW BEING USED IN THE NEW ZEALAND EEZ (BMT STERN TRAWLERS AND SRTM SIDE TRAWLERS), BUT THAT IT WOULD MAINTAIN THEM IN THE AREA FOR TWO SEASONS RATHER THAN ONE. THE CREWS WOULD INCLUDE TECHNICIANS WHO WOULD DO ON-BOARD REPAIRS AND WHO WOULD PERFORM OTHER REPAIRS USING SHORE FACILITIES ONLY AS NECESSARY (STEWART THOUGHT THE LATTER WOULD BE STRONGLY OPPOSED BY NZ UNIONS). THE SOVIET NEGOTIATORS SUGGESTED ROUGHLY 80 PORT CALLS ANNUALLY FOR THIS PURPOSE WITH 50 EXCHANGES OF CREWS TO BE MADE AT THE SAME TIME. THIS, IN TURN, LED TO A DISCUSSION OF THE ROUTING OF SOVIET CREWS TO NEW ZEALAND. THE SOVIETS SUGGESTED FLYING THE CREWS FROM MOSCOW TO SINGAPORE AND THEN TO NEW ZEALAND BY AEROFLOT. WHEN THEY WERE TOLD THAT AEROFLOT FLIGHTS TO NEW ZEALAND WERE "JUST NOT ON" BUT THAT AN EXCHANGE OF PASSENGERS USING AIR NEW ZEALAND FROM SINGAPORE TO NZ PORTS WAS POSSIBLE (SEE REF. C), THE SUBJECT WAS SHELVED FOR LATER CONSIDERATION. STEWART THOUGHT THEY WOULD EASILY AGREE TO THE LATTER SUGGESTION.

B. REGARDING SOVIET INTENTIONS OUTSIDE THE NZ EEZ, A RELIABLE NEW ZEALAND MILITARY SOURCE INFORMS US THAT THE SOVIETS WISHED TO OBTAIN FACILITIES TO SUPPORT A GROWING FISHING FLEET WHICH WOULD OPERATE IN AN AREA EXTENDING FROM THE KERGUELEN RIDGE IN THE SOUTH INDIAN

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OCEAN, ALONG THE ANTARCTIC COAST TO THE CAMPBELL

PLATEAU AND CHATHAM RISE EAST OF NEW ZEALAND. (THIS INFORMATION RELATES TO THE QUERY IN REF. D, PARA. 5D, ON WHICH WE HOPE TO BE REPORTING FURTHER.)

5. COOPERATION IN ANTARCTIC WATERS.

THE NEW ZEALAND NEGOTIATORS MANAGED TO GET AGREEMENT ON ONE EXTRA-EEZ PROVISION THEMSELVES. WITH THE AIM OF GETTING OBSERVERS ONTO SOVIET VESSELS OPERATING IN ANTARCTIC WATERS, THE NEW ZEALAND TEAM INSISTED ON AN ARTICLE CALLING FOR FISHERIES COOPERATION IN SUB-ANTARCTIC AND ANTARCTIC AREAS. THE SOVIETS TOOK THE LINE THAT THIS IS ALREADY COVERED BY THE ANTARCTIC TREATY, BUT EVENTUALLY CONSENTED TO THE PROVISION.

6. EXCHANGE OF INFORMATION.

CONCERNING COOPERATION IN THE EXCHANGE OF STATISTICAL AND BIOLOGICAL INFORMATION, THE SOVIET NEGOTIATORS WERE TOLD FLATLY THAT THE GNZ REGARDED THE USSR TO BE "MOST UNCOOPERATIVE" IN THIS REGARD (SEE REF. E, PARA. 4, WHICH WAS COMMUNICATED BY THE EMBASSY TO THE CHIEF GNZ NEGOTIATOR). G. V. ZHIGALOV, THE HEAD OF THE SOVIET DELEGATION, REPLIED THAT HE WAS "SORRY" AND HAD "TAKEN NOTE" OF THE GNZ ATTITUDE.

7. ON-SHORE REPRESENTATION.

IN ADDITION TO THE SHORE FACILITIES ACCESS AND CREW EXCHANGE DISCUSSED IN PARA. 4A, THE SOVIETS ASKED TO STATION A "COUNSELOR" AND TWO ASSISTANTS IN AUCKLAND OR WELLINGTON TO REPRESENT THE SOVIET FISHERIES MINISTRY.

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STEWART SAID THE NZ SIDE "DID NOT EXCLUDE THIS POSSIBILITY," BUT THAT THE QUESTION WAS SET ASIDE FOR LATER DISCUSSION. ASKED WHETHER THE SOVIETS WERE REQUESTING DIPLOMATIC STATUS FOR THEIR "COUNSELOR," STEWART SAID HE ASSUMED SO BECAUSE OF THE TITLE THEY USED. HE ADDED THAT, IN ANY EVENT, THE GNZ WOULD REQUIRE THE USSR TO APPOINT AN AGENT TO REPRESENT THEIR FISHING INTERESTS.

8. MIGRATORY FISH.

RE THE QUERY IN REF. E, STEWART SAID THAT RECOGNITION OF NEW ZEALAND'S SOVEREIGN RIGHTS OVER MIGRATORY FISH WAS NEVER A PROBLEM. THE SOVIETS SHOWED NO DISPOSITION TO QUESTIONS THE GNZ DRAFT ON THIS POINT.

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9. TERM.

THE DRAFT, ACCORDING TO STEWART, CALLS FOR THE UMBRELLA AGREEMENT TO LAST UNTIL MID-1982. FACILITIES AND QUOTAS, HOWEVER, WOULD BE GRANTED ON AN ANNUAL BASIS. THIS, STEWART INDICATED, WOULD BE NEW ZEALAND'S MEANS OF POLICING SOVIET ACTIVITIES AND ASSURING THEIR PURCHASE OF NEW ZEALAND AGRICULTURAL PRODUCTS. HE ALSO COMMENTED THAT THE SOVIETS WERE MORE DELICATE THAN NEW ZEALAND IN ITS NEGOTIATIONS WITH JAPAN, NEVER DIRECTLY RAISING A "FISH-FOR-BEEF" CLAIM.

10. PACIFIC ISLANDS.

TO A NEW ZEALAND QUERY ABOUT SOVIET INTENTIONS REGARDING FISHING FACILITIES IN THE PACIFIC ISLANDS, THE SOVIET NEGOTIATORS PREDICTABLY RESPONDED THAT THEY WERE NOT SEEKING ANY THERE AND, IF THEY OBTAINED SATISFACTORY FACILITIES IN NEW ZEALAND, THEY WOULD HAVE NO REASON TO SEEK ANY TO THE NORTH OF NEW ZEALAND. RE THE QUERY IN REF. E ABOUT SOVIET INTEREST IN THE SOUTH PACIFIC REGIONAL FISHERIES AGENCY (SPRFA), THERE WAS NO DIRECT DISCUSSION. THE ABOVE



WOULD INDICATE, HOWEVER, THAT THEY HAVE NO PRESENT INTEREST  
IN THE SPRFA.

11. MARISSCO.

RE REFS. E AND F, THE OUTCOME OF TALKS BETWEEN MARISSCO AND  
NEW ZEALAND GOVERNMENT AND INDUSTRY REPRESENTATIVES IS  
BEING REPORTED SEPARATELY.

12. NZ/AUSTRALIAN CONSULTATIONS.  
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ALSO RE REF. E, THERE HAVE BEEN NO FURTHER MOVES BY  
AUSTRALIA WHICH HAVE COME TO OUR ATTENTION SINCE THOSE  
REPORTED IN REFS. C, G, AND H.

13. LIST OF SOVIET AND NEW ZEALAND NEGOTIATORS (RE REF.E).

USSR:

G. V. ZHIGALOV, DEPUTY MINISTER OF FISHERIES, USSR  
V. I. ZENKIN, PRESIDENT SOVRYBFLOT  
B. G. KUTAKOV, DEPUTY DIRECTOR, MINISTER OF FISHERIES  
A. K. TURCHIN, DIRECTOR, MARISSCO, SINGAPORE  
A. S. BELOV, SENIOR ECONOMIST, MINISTRY OF FISHERIES  
V. I. AZARUSHKIN, COUNSELLOR, EMBASSY, USSR

NZ:

I. L. G. STEWART, LEADER, MFA  
C. D. BEEBY, MFA  
W. R. MANSFIELD, MFA  
R. S. GRANT, MFA  
W. B. HARLAND, MFA  
S. W. PRIOR, MFA  
K. C. DURRANT, MINISTRY OF AGRICULTURE & FISHERIES  
DR. EGGLESTON, MINISTRY OF AGRICULTURE & FISHERIES  
M. ROBERTS, PRIME MINISTER'S DEPARTMENT  
D. GAMBLE, DEPARTMENT OF TRADE & INDUSTRY  
WILSON, TREASURY  
COMMANDER HUNTER, DEFENCE  
14. EMBASSY COMMENTS.

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USLO PEKING  
AMEMBASSY PORT MORESBY  
AMEMBASSY SEOUL  
AMEMBASSY SINGAPORE  
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AMEMBASSY TOKYO  
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A. BOTH SIDES WANT AN AGREEMENT AND IT IS ONLY A MAT-  
TER OF TIME UNTIL A BARGAIN IS STRUCK. THE SOVIETS  
OBVIOUSLY NOT ONLY WANT TO MAINTAIN THEIR PRESENT  
ACCESS TO THE FISHERIES AROUND NEW ZEALAND, BUT ALSO  
NEED TO IMPROVE THE PRODUCTIVITY OF AN INEFFICIENT  
INDUSTRY BY OBTAINING ACCESS TO PORT FACILITIES AND  
CREW EXCHANGE RIGHTS. THESE WILL ENABLE THEM TO KEEP  
THEIR VESSELS ON STATION LONGER.

B. THERE WAS, ACCORDING TO STEWART, "A FAIR MEASURE OF  
DISAPPOINTMENT" ON THE SOVIET SIDE WHEN HE PRONOUNCED  
THAT THE TALKS WOULD HAVE TO BE ADJOURNED UNTIL LATE  
JANUARY. THE SOVIET NEGOTIATORS RESPONDED BY PROPOSING  
INITIALING OF AN AGREEMENT EMBODYING THE POINTS TO  
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WHICH THERE WAS CONSENSUS. STEWART REPLIED THAT IT IS  
A PACKAGE DEAL -- ALL OR NOTHING.

C. IN ADDITION TO THEIR NEEDS IN THE NEW ZEALAND EEZ,  
THE SOVIETS ALSO HAVE "SMALLER FISH TO FRY," NAMELY  
KRILL. WE CAN EXPECT TO SEE THEM EXPAND THEIR EFFORTS

OVER THE NEXT FEW YEARS TO GET BASING IN NZ FOR ANTARCTIC OPERATIONS. THE LATTER, FOR THE SOVIETS, WILL DEPEND MAINLY ON THE DEVELOPMENT OF THEIR PROTEIN NEEDS AND ALTERNATIVES. ON THE NZ SIDE, ADDITIONAL PORT FACILITIES FOR UNLICENSED VESSELS IS LIKELY TO DEPEND ON WHAT ADDITIONAL QUID THE SOVIETS CAN OFFER IN TERMS OF PURCHASES OF AGRICULTURAL PRODUCTS AND, JUST POSSIBLY, THE SUPPLY OF OIL. THEIR "BEHAVIOR" IN PORT AND IN BILATERAL POLITICAL DEALINGS, PLUS THE STATE OF NZ DOMESTIC RECEPTIVITY TO THE USSR PRESENCE, WILL ALSO BE CONSIDERATIONS. LASTLY, THE GNZ WILL BE CONCERNED WITH HOW BEST IT CAN MAINTAIN ITS STAKE IN THE ANTARCTIC. IT MAY SEE SOME KIND OF JOINT VENTURE WITH THE USSR AS A MEANS BOTH TO ADVANCE THEIR OWN INTERESTS AND TO TEMPER SOVIET ACTIVITIES WHICH MIGHT THREATEN ANTARCTIC CONSERVATION EFFORTS. IN ANY EVENT, THIS IS ALL SOME YEARS AWAY. SELDEN

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